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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

20	IN RE DYNAMIC RANDOM ACCESS MEMORY (DRAM) ANTITRUST LITIGATION	Master File No. M-02-1486 PJH MDL No. 1486
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24	This Document Relates to: <i>Preis et. al. v. Hitachi, Ltd., et al.</i>	STIPULATION AND [PROPOSED] ORDER VACATING MAY 6, 2010 CASE MANAGEMENT CONFERENCE

Preis et. al. v. Hitachi, Ltd., et al.,
Case No. CV 10-0346 PJH

**STIPULATION AND [PROPOSED]
ORDER VACATING MAY 6, 2010
CASE MANAGEMENT
CONFERENCE**

STIPULATION

This Stipulation is entered into pursuant to Northern District of California Civil Local Rule 7-11(a) between Plaintiff Alan Preis and defendants Hitachi, Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba Corporation and Toshiba America Electronic Components, Inc. in *Alan Preis v. Hitachi, Ltd., et al.* ("Preis") filed January 25, 2010, and assigned to the Honorable Phyllis J. Hamilton, and is made with reference to the following facts:

8 WHEREAS, plaintiff Alan Preis filed a class action complaint against defendants Hitachi,
9 Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric & Electronics USA, Inc., Toshiba
10 Corporation and Toshiba America Electronic Components, Inc. on January 25, 2010, alleging a
11 conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for DRAM;

12 WHEREAS, on January 29, 2010, plaintiff Alan Preis filed an Administrative Motion To
13 Consider Whether Cases Should Be Related to *In Re Dynamic Random Access Memory Antitrust*
14 *Litigation*, (“DRAM”) Master File No. M-02-1486 PJH, MDL No. 1486, filed in the Northern
15 District of California and assigned to the Honorable Phyllis J. Hamilton (“Related Case
16 Motion”);

17 WHEREAS, On February 3, 2010 the Honorable Phyllis J. Hamilton issued a Related
18 Case Order, relating the *Preis* matter with *DRAM*;

19 WHEREAS, on February 5, 2010 the parties entered into a Stipulation And [Proposed]
20 Order Re Acceptance Of Service Of Summons And Complaint And Extension Of Time To
21 Respond to the *Preis* complaint, which states that the deadline for an answer or other response to
22 the *Preis* complaint, if necessary, is after the Court rules on the class action settlements.

23 WHEREAS, on February 16, 2010 the Court issued an Order setting a case management
24 conference for May 6, 2010 (see Document No. 7);

25 WHEREAS, On April 1, 2010, Plaintiff filed a Motion for Preliminary Approval of Class
26 Action Settlements with Defendants (1) Mitsubishi Electric Corporation and, Mitsubishi Electric

1 and Electronics USA, Inc. (“Mitsubishi”); (2) Hitachi, Ltd. (“Hitachi”); and (3) Toshiba America
2 Electronic Components, Inc., and Toshiba Corporation (“Toshiba”);

3 WHEREAS, the hearing date for Plaintiffs Motion for Preliminary Approval of Class
4 Action Settlements has been re-noticed for May 12, 2010;

5 WHEREAS, the parties believe that all matters that would be covered at the May 6, 2010
6 Case Management Hearing can be addressed with the Court at the May 12, 2010 hearing for
7 Preliminary Approval of Class Action Settlements;

8 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the Case
9 Management Conference hearing scheduled for May 6, 2010 shall be taken off calendar.
10 Any future Court dates will be addressed and set at the May 12, 2010 hearing on the
11 Motion for Preliminary Approval of Class Action Settlements.**

12 Dated: April 12, 2010

13 /s/ R. Alexander Saveri

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24 *Counsel for Plaintiff Alan Preis*

1 Dated: April 12, 2010

/s/ Matthew T. Jacobs

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Counsel for Hitachi, Ltd.

8 Dated: April 12, 2010

/s/ Michael T. Brody

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*Counsel for Mitsubishi Electric Corporation and
Mitsubishi Electric & Electronics USA, Inc.*

17 Dated: April 12, 2010

/s/ Belinda S. Lee

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*Counsel for Toshiba America Electronic
Components, Inc. and Toshiba Corporation*

24 PURSUANT TO STIPULATION, IT IS SO ORDERED:

26 Dated: 4/16/10

The Honorable  IT IS SO ORDERED
United States District Court



1 **ATTESTATION OF FILING**

2 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Cadio Zirpoli, hereby
3 attest that concurrence in the filing of this stipulation and proposed order has been obtained from
4 Counsel for each of the named parties with conformed signatures listed above.

5 Dated: April 12, 2010

SAVERI & SAVERI, INC.

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7 By: _____/s/ Cadio Zirpoli_____

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